

REMARKS

Claim 1-15 are currently pending, wherein claim 1 has been amended. Favorable reconsideration is respectfully requested in view of the above-identified amendments and the remarks presented herein below.

At the outset, Applicant notes with appreciation that claims 9, 10 and 12-15 contain allowable subject matter and would be allowed if rewritten in independent form.

On page 2, the Office Action objects to the disclosure for containing a typographical error on page 9, line 21. The disclosure has been amended to correct the typographical error, thereby addressing the Examiner's concern.

On page 2, the Office Action rejects claims 1, 2 and 5-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,400,112 to Takagi ("Takagi") in view of U.S. Patent No. 6,445,884 to Yahav ("Yahav"). Applicant respectfully traverses this rejection.

Light adjustment or control for flash-assisted photography with conventional digital cameras is achieved by either a light adjusting control sensor on the camera body that directly senses external light or by a light sensor within the camera that senses light during a pre-flash operation immediately before the digital image is captured. In both cases the flash emission is controlled based on the sensor readings. However, both of these conventional methods have their disadvantages.

In light adjusting control accomplished by means of the external sensor, the external light directly enters the light adjusting control sensor without mediation of a photographic lens, whereas light from a photographic subject enters the image sensor through a photographic lens such as a zoom lens or the like. Accordingly,

the field angles are mutually different, and the light adjusting control range and the photographic range do not match, resulting in a reduction in the accuracy of the light adjusting control. In the pre-flash method, the field angles match, however, since two flash emissions are required (one for the pre-flash and one for the main photography flash) there is lag between the light adjusting control time and the photograph time.

The present invention overcomes the disadvantages of the above-mentioned conventional control methods by providing a digital camera that includes, among other things, a plurality of light measuring elements which sense light from an emission system that is reflected by a photographic subject and passes through the optical system where each of the light measuring elements detects a brightness of an image sensing surface of said image sensor at different angles relative to said image sensing surface.

It is well known that in order to support a rejection under 35 U.S.C. §103, the Office Action must establish a *prima facie* case of obviousness. Furthermore, in order to establish a *prima facie* case of obviousness, the Office Action must meet three basic criteria. First, there must be some motivation to modify or combine the applied reference. Second, there must be a reasonable expectation of success, and finally the combination must disclose each and every claimed limitation. In the present case, the rejection of claims 1, 2 and 5-8 in view of the combination of Takagi and Yahav is improper for at least the reason that the combination fails to disclose each and every claimed limitation.

In rejecting claim 1, the Office Action asserts that Takagi discloses a camera comprising all of the claimed elements with the exception of an image sensor (i.e.,

the camera of Takagi is not digital). The Office Action further asserts that it would have been obvious to modify the camera of Takagi to include an image sensor, such as a CCD, as taught by Yahav because doing so would provide a means for controlling the flash emission of a digital camera.

However, independent claim 1, as amended, recites that the plurality of light measuring elements, used to control the light emission system, detects the brightness of an image sensing surface of the image sensor at different angles relative to the image sensing surface, whereas the photometric elements of Takagi detect light reflected from the focal plane shutter because the light control system of Takagi is a pre-flash system (see Fig. 18, step 2, column 8, lines 1-7 and column 11, lines 9-12 of Takagi). Therefore, even if one skilled in the art were motivated to modify the camera of Takagi to include an image sensor as suggested by the Office Action, the modification would still fail to render claim 1 unpatentable.

Claims 2 and 5-7 depend from independent claim 1. Therefore, claims 2 and 5-7 are patentably distinguishable over the combination of Takagi and Yahav for at least those reasons presented above with respect to claim 1.

Independent claim 8 recites a digital camera that includes, among other things, a light measuring element which is located in a space between the optical system and the image sensor and which senses flare light within said space.

In rejecting claim 8, the Office Action asserts that the combination of Takagi and Yahav (i.e., the camera of Takagi modified to include an image sensor) discloses a light measuring element as claimed inasmuch as Takagi discloses a light measuring element with the camera body. However, nowhere in Takagi is there any disclosure or suggestion that the light measuring device senses *flare light* within the

space between the optical system and the image sensor. To the contrary, the light measuring device of Takagi senses light directly reflected from the shutter surface of the camera during a pre-flash (see Fig. 18, step 3 and column 8, lines 38-50 of Takagi).

Therefore, even if one skilled in the art were motivated to combine Takagi and Yahav as suggested by the Office Action, the combination would still fail to render independent claim 8 unpatentable for at least the reason that the combination fails to disclose each and every claimed limitation. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2 and 5-8 in view of Takagi and Yahav.

On page 6, the Office Action rejects claims 3 and 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Takagi and Yahav, further in view of U.S. Patent No. 5,678,079 to Ogawa ("Ogawa"). Applicant respectfully traverses this rejection.

Claims 3 and 4 depend from independent claim 1. Therefore, claims 3 and 4 are patentably distinguishable over the combination of Takagi and Yahav for at least those reasons presented above with respect to claim 1. Ogawa discloses a photometer for a camera that performs multi-area photometry and displays the exposure deviation to the photographer. However, Ogawa fails to overcome the deficiencies of Takagi and Yahav.

Since Takagi, Yahav and Ogawa each fail to disclose or suggest a digital camera that comprises a plurality of light measuring elements that sense light substantially simultaneously with the image sensor producing an image signal as claimed, the combination of these three references cannot possibly disclose or

suggest said feature. Therefore, even if one skilled in the art were motivated to combine Takagi, Yahav, and Ogawa, as suggested by the Office Action, the combination would still fail to render claims 3 and 4 unpatentable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3 and 4 in view of Takagi, Yahav, and Ogawa.

On page 7, the Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Takagi and Yahav, further in view of U.S. Patent No. 5,621,494 to Kazumi et al. ("Kazumi"). Applicant respectfully traverses this rejection.

Claim 11 depends from independent claim 8. Accordingly, claim 11 is patentably distinguishable over the combination of Takagi and Yahav for at least those reasons presented above with respect to claim 8. Kazumi discloses a camera that includes a light source determining function for determining the kind or type of light source. However, Kazumi fails to overcome the deficiencies of Takagi and Yahav.

Since Takagi, Yahav and Kazumi each fail to disclose or suggest a digital camera that comprises a light measuring element that senses flare light as claimed, the combination of these three references cannot possibly disclose or suggest said feature. Therefore, even if one skilled in the art were motivated to combine Takagi, Yahav, and Kazumi, as suggested by the Office Action, the combination would still fail to render claim 11 unpatentable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 11 in view of Takagi, Yahav, and Kazumi.

The application is in condition for allowance. Notice of same is earnestly solicited. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned at the telephone number provided below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 15, 2004

By: Penny L. Caudle
Penny L. Caudle
Registration No. 46,607

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620